

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LARRY DARNELL JONES,

Plaintiff,

v.

Case No. 2:04-cv-265
HON. GORDON J. QUIST

GEORGE PRAMSTALLER, et al.,

Defendants.

**ORDER DENYING APPEAL
OF MAGISTRATE JUDGE'S ORDER**

Plaintiff has filed a motion requesting reconsideration of the Magistrate Judge's March 23, 2005, order denying plaintiff's request for entry of default (docket #51). A magistrate judge's resolution of a nondispositive pretrial matter should be modified or set aside on appeal only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). A finding is clearly erroneous when, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been committed. *United States v. Gypsum Co.*, 333 U.S. 364, 395, 68 S. Ct. 525, 542 (1948).

Upon review of the order, the Court finds no error. The order of the Magistrate Judge is therefore not erroneous. Accordingly, the order of the magistrate judge is hereby AFFIRMED.

Dated: May 19, 2005

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE